

Notice of Allowability

Application No.

09/806,082

Examiner

Cheryl Juska

Applicant(s)

EBIHARA ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Remarks filed 11/15/04.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ The drawings filed on 23 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Cheryl Juska
Primary Examiner
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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on November 15, 2004, have been fully considered and are persuasive.
2. Specifically, applicant traverses the rejection of claim 2 by asserting that the examiner has failed to provide proper motivation to select a satin fabric (Remarks, paragraph spanning pages 4-5). This argument has been found persuasive. Although several references were found that taught using satin weave fabrics for polishing tapes (i.e., JP 11-114793, JP 2000-182237, JP 2001-179595, JP 2001-179594, JP 2001-179588, JP 2002-331465, and US 2004/0162010), none of said references were available as prior art against the present application having an effective filing date of September 30, 1998.
3. Applicant also traverses the rejections by asserting the unexpected results obtained from the present invention as shown in the specification and the Declaration under 1.132 filed April 26, 2004. In particular, applicant argues that the comparative examples, each of which has a variable outside of the range presently claimed, have a lower processing speed and inferior finish (Remarks, pages 5-7). In response, it is noted that while some of the comparative examples (i.e., 4 and 5 of Table 2 and 1-3 of Table 3) possess a processing speed/surface roughness^{1.5} value of greater than or equal to 2 (i.e., a good assessment), said comparative examples do not have a satisfactory finish (i.e., no scratch). The only examples that have *both* the desired processing speed/surface roughness^{1.5} value and finish are the inventive examples having the claimed fiber

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denier, pile height, flocking density, and cover factor. Thus, the Declaration is sufficient to establish the non-obviousness of the invention.

4. Hence, the prior art rejection of claims 1 and 2 as set forth in the last Office Action are hereby withdrawn.

5. An updated search of the prior art has produced no new art of record for which to base a rejection upon. Therefore, claims 1 and 2 are allowed.

Conclusion

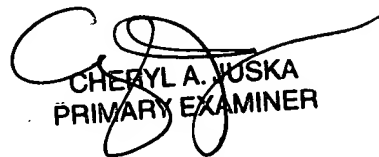
6. The art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached at 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CHERYL A. JUSKA
PRIMARY EXAMINER

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February 2, 2005